

BOARD OF APPEALS CASE NO. 5219

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BEFORE THE

APPLICANT: Hart to Heart Ambulance Service

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ZONING HEARING EXAMINER

**REQUEST: Variance to permit a health service
use without the required lot area and front and
side yard setbacks in the Village Business District;
2825 Churchville Road, Churchville**

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OF HARFORD COUNTY

Hearing Advertised

HEARING DATE: March 18, 2002

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Aegis: 1/23/02 & 1/30/02

Record: 1/25/02 & 2/1/02

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Hart to Heart Ambulance Service, Inc., is requesting a variance, pursuant to Section 267-38B, Table IX, of the Harford County Code, to permit a health service use on the subject property with a minimum lot area of less than 10,000 square feet (9,499 square feet proposed), and a front yard setback of less than 25 feet (15 feet proposed) and a side yard setback of less than 10 feet (3 feet proposed) in a VB/Village Business District.

The subject parcel is located at 2825 Churchville Road and is more particularly identified on Tax Map 42, Grid 3D, Parcel 250. The parcel consists of 9,499 square feet, is zoned VB and is entirely within the Third Election District.

Mr. John Jason Skidmore appeared and testified that he owns and operates Hart to Heart Ambulance Service, Inc. which has been located on the parcel adjacent to the subject parcel since 1997. He recently purchased the parcel in order to expand his business operations into more spacious offices. There is an existing building on the lot which he has converted to offices for the business. The existing building will not be altered and no additions are planned. The variances requested result from the proposed use as an ambulance service which falls within the Code definition of "health service". Attachment 4 is a plat of the two parcels owned by Hart to Heart. If denied the subject request, the Applicant indicated that the business would be unable to make use of the subject property as this is an existing building, not proposed construction. The Applicant felt that the property was unique, given existing setbacks, its proximity adjacent to the existing business use and the fact that nothing regarding the structures will change as a result of the variances, if granted. The witness did not believe any adverse impacts would result from a grant of the variances.

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Mr. Anthony McClune appeared as representative of the Department of Planning and Zoning. The Department supports approval of the Applicant's request finding the subject parcel configuration unique. The subject parcel is located within the VB District and it is desirable that the VB zone attract and keep businesses that are compatible with the district. The Applicant's use falls squarely within the desired category of businesses suitable and compatible with the VB District. Because of the current Code requirements, the placement of the existing structure, if used for other uses, would all require a variance of some kind. The Department recognizes that a hardship would result if the Applicant cannot make use of the parcel for the business. Additionally, the use is a permitted one within the District and this request does not represent a use variance.

CONCLUSION:

The Applicant, Hart to Heart Ambulance Service, Inc., is requesting a variance, pursuant to Section 267-38B, Table IX, of the Harford County Code, to permit a Health Service use on the subject property with a minimum lot area of less than 10,000 square feet (9,499 square feet proposed), and a front yard setback of less than 25 feet (15 feet proposed) and a side yard setback of less than 10 feet (3 feet proposed) in a VB/Village Business District.

Harford County Code Section 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

For the reasons discussed by the Applicant and the Department of Planning and Zoning, the Hearing Examiner finds that the subject parcel is unique, the overall situation unique and further that relief can be granted in a manner consistent with the intent of the Code and without any material impact to neighboring properties.

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The Hearing Examiner recommends approval of the Applicant's request subject to the following:

1. The Applicant obtain any and all necessary permits and inspections.
2. The Applicant shall submit within 60 days of the date this decision becomes final, a detailed site plan to be reviewed and approved through the Development Advisory Committee (DAC).

Date: APRIL 17, 2002

**William F. Casey
Zoning Hearing Examiner**